

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Robert Fischer and Stephanie Lukis,)	
individually and on behalf of all others)	CIVIL ACTION NO: 19-cv-4892
similarly situated,)	
)	
<i>Plaintiffs,</i>)	JUDGE FEINERMAN
v.)	
)	MAG. WEISMAN
Instant Checkmate LLC,)	
)	
<i>Defendant.</i>)	

PLAINTIFF ROBERT FISCHER'S RESPONSES TO DEFENDANT'S
REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiff Robert Fischer provides the following responses to Defendant's November 17, 2020 Requests for Production of Documents:

1. Any and all documents that support or refute any of Your answers to Instant Checkmate's first set of interrogatories directed at Plaintiffs.

RESPONSE: All documents referenced in or relied upon in responding to Defendant's interrogatories are produced or otherwise identified as part of Plaintiff's discovery responses.

2. Any and all documents that support or refute any of Your responses to Instant Checkmate's first set of requests for admission directed at Plaintiffs.

RESPONSE: All documents referenced in or relied upon in responding to Defendant's requests for admission are produced or otherwise identified as part of Plaintiff's discovery responses.

3. Any and all documents that relate to Plaintiffs' claims for statutory damages, actual damages, attorneys' fees, litigation expenses, costs and any other damages Plaintiff seek as a result of the allegations contained in the Complaint.

RESPONSE: Plaintiff objects to producing his attorneys' fees and litigation costs as he is not yet a prevailing party and therefore objects to producing same on the grounds of relevance, prematurity and privileged attorney work product. Plaintiff only seeks statutory damages and does not have documents relating to actual damages.

4. Any and all documents where You have consented to Your Identity information being used by another.

RESPONSE: Facebook's policies including privacy policies can be found at <https://www.facebook.com/terms.php>. Twitter's policies including privacy policies can be found at <https://help.twitter.com/en/rules-and-policies>. Other documents that Plaintiff can recall and that are responsive to this request are Plaintiff's agreements with T-Mobile and Comcast which are produced in response to Requests 9 and 10, respectively, below.

5. Any and all publicly available documents containing Identity information about You.

RESPONSE: Plaintiff objects to this request as unduly burdensome because "publicly available" is subject to multiple meanings, even using dictionary definitions. This request potentially includes *every* document generated by *anyone* that has *ever* been published on the Internet. Additionally, this request potentially calls for Plaintiff to produce documents equally available to the Defendant.

6. Any and all publicly available government authored documents (court records, county land records, etc.) containing Identity information about You.

RESPONSE: This request calls for an impossibly broad span of documents such as Plaintiff's driver's license, passport, county tax bills, and virtually every document ever generated by any government body that includes so much as Plaintiff's name. The burden to make such a production is immensely unfair. Plaintiff further objects to this request as unduly burdensome because it calls for Plaintiff to produce documents equally available to the Defendant. Moreover, simply because a document with information identifying Plaintiff is publicly available does not mean that Defendant has the ability to use this information in Defendant's advertisements--and thus such documents are not relevant to this dispute.

7. Any and all documents requesting Your Identity information be removed from any data set.

RESPONSE: Other than by this litigation, Plaintiff has not made a removal request and thus has no such documents to produce.

8. Any and all documents reflecting Your public facing social media accounts (Facebook, Instagram, Twitter, etc.).

RESPONSE: Plaintiff requests a clarification as to the meaning of "documents reflecting Your public facing social media accounts." Without that clarification Plaintiff is unable to respond to this request.

9. Any and all documents reflecting Your customer agreement and terms of service between You and Your wireless telephone service provider.

RESPONSE: Plaintiff's wireless telephone service provider is T-Mobile, and T-Mobile's customer agreements can be found at <https://www.t-mobile.com/responsibility/legal/terms-and-conditions> and <https://www.t-mobile.com/privacy-center/our-practices/privacy-policy>.

10. Any and all documents reflecting Your customer agreement and terms of service between You and Your television service provider.

RESPONSE: Plaintiff's television service provider is Comcast (Xfinity). Xfinity's general policies for residential service and specific policies for television service are at <https://www.xfinity.com/policies>.

11. Any and all documents reflecting correspondence between You and Your counsel prior to You signing an engagement agreement.

RESPONSE: Prior to Plaintiff signing an engagement agreement regarding this case, Plaintiff's counsel represented Plaintiff in another legal matter. This request therefore calls for documents protected by the attorney-client privilege and thus Plaintiff objects to producing same.

12. Any and all documents reflecting agreements between You and Your Counsel.

RESPONSE: See Pl.'s Bates Nos. 1-2. A portion of this production is redacted because it contains legal advice and is therefore attorney-client privileged.

13. Any and all documents evidencing correspondence between You and other purported class members.

RESPONSE: If this request calls for correspondence relating to this litigation, none. If the request calls for all correspondence with any putative class member about any subject apart from this litigation, then Plaintiff objects as to relevance and undue burden.

14. Any and all documents evidencing correspondence between Your Counsel and other purported class members.

RESPONSE: Communications between Plaintiff's counsel and other co-plaintiffs are attorney-client privileged. If this request calls for correspondence with any other putative class

members relating to this litigation, none. If this request calls for correspondence with any putative class members relating subjects apart from this litigation, then Plaintiff objects as to relevance and undue burden.

15. Any and all documents supporting any claim in this case.

RESPONSE: Plaintiff objects to this as premature as discovery is ongoing and all documents supporting Plaintiff discovery may not have been produced by Defendant to Plaintiff.

16. Any and all documents supporting any alleged damage in this case.

RESPONSE: Please see Plaintiff's response to Defendant's interrogatory No. 3.
Accordingly, none.

Respectfully submitted,

/s/ Roberto Costales

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record this 8th day of January, 2021 via electronic transmission.

/s/ Roberto Costales